

1 UNITED STATES DISTRICT COURT
2 WESTERN DISTRICT OF VIRGINIA
3 Harrisonburg Division

4 UNITED STATES OF AMERICA, Criminal No. 5:14cr00019

5 vs. Roanoke, Virginia

6 GEORGE HENRY COVARRUBAIZ,

7 Defendant. September 29, 2014

8 TRANSCRIPT OF TESTIMONY OF BLANCA LOPEZ and GREGG MERVIS
9 BEFORE THE HONORABLE MICHAEL F. URBANSKI,
10 UNITED STATES DISTRICT JUDGE

11 APPEARANCES:

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25 Proceedings recorded by mechanical stenography;
transcript produced by computer.

1 MR. HOFFMAN: Your Honor, we'll start with
2 our first witness, Blanca Lopez.

3 BLANCA LOPEZ, CALLED AS A WITNESS BY THE GOVERNMENT,
4 SWORN

5 THE COURT: Good afternoon.

6 THE WITNESS: Good afternoon.

7 DIRECT EXAMINATION

8 BY MR. HOFFMAN:

9 Q. Would you please just introduce yourself? State
10 your full name for the judge, please.

11 A. Blanca Lopez.

12 Q. And in what city and state do you presently
13 reside?

14 A. I reside in Diamond Bar, California.

15 Q. Is that Southern California?

16 A. Yes.

17 Q. Who do you work for?

18 A. I work for RET Monitoring, Incorporated; contract
19 company for the Drug Enforcement Administration.

20 Q. What's your native language?

21 A. Spanish.

22 Q. Where is RET Monitoring, Incorporated, located?

23 A. Tuscon, Arizona.

24 Q. And what is your current job at RET Monitoring?

25 A. I'm a linguist.

1 Q. Do you hold any type of supervisory capacity or
2 are you just a linguist?

3 A. I'm a supervisor linguist.

4 Q. What do you do at RET as a supervisory linguist?

5 A. I work on wire tap investigations, supervising
6 other linguists.

7 Q. Do you supervise monitors?

8 A. Yes.

9 Q. Do you ever do any monitoring yourself?

10 A. Yes, I do.

11 Q. Would you just take two seconds and explain to
12 the Court, when you say you monitor yourself, what does
13 that mean?

14 A. We monitor wire tap investigations, live
15 conversations, Title III investigations.

16 Q. Do you also participate in transcribing?

17 A. Yes, I do. I mostly do the quality control on
18 transcripts.

19 Q. So, you review transcripts also.

20 A. Correct.

21 Q. Do you perform -- let me back up. Are the calls
22 always in English?

23 A. No. The majority are in Spanish. I would say
24 about 95 percent in Spanish.

25 Q. Do you then interpret calls into English?

1 A. Correct.

2 Q. Your monitors that you supervise do the same?

3 A. Yes.

4 Q. The quality control you mentioned a moment ago
5 that you exercise, is that over the transcriptions and
6 over the interpretations?

7 A. Yes.

8 Q. A moment ago, I believe you testified that RET is
9 a monitoring company that's contracted with DEA?

10 A. Correct.

11 Q. Does RET do work for other agencies?

12 A. Yes. They also do work for any law enforcement
13 agencies; FBI, ATF, ICE.

14 Q. Tell us how your job works mechanically, on a
15 daily basis.

16 A. We are in a wire room area. Live conversations
17 come in. We monitor them. We write a synopsis because
18 usually, the conversations are in Spanish. We then write
19 the synopsis in English. Basically, that's what we do.

20 Q. The synopsis, is that also called a line sheet?

21 A. Yes.

22 Q. At some point in time, is that synopsis
23 transcribed completely?

24 A. Yes, at some point.

25 Q. After it's transcribed, it could then be

1 interpreted, translated?

2 A. Yes. It's transcribed in English and then
3 translated.

4 Q. Thank you.

5 What percentage of the calls would you say that
6 you monitor are in Spanish?

7 A. About 95 percent.

8 Q. How long have you been a supervisory linguist or
9 supervisory monitor at RET?

10 A. Approximately 16 years.

11 Q. 16 years, as a supervisor.

12 A. Yes.

13 Q. How many different wire tap investigations do you
14 believe you've worked in, participated in?

15 A. Hundreds.

16 Q. Hundreds?

17 A. Hundreds.

18 Q. And in those hundreds, does that 95 percent
19 Spanish rule apply? It's always been 95 percent, give or
20 take?

21 A. Yes.

22 Q. And since you've been with RET, how many calls
23 individually do you believe that you've monitored and
24 transcribed?

25 A. Hundreds.

1 Q. How many calls do you think you've interpreted
2 from Spanish to English?

3 A. Hundreds.

4 Q. What were you doing before 1999 when you joined
5 RET?

6 A. I was -- I worked for a law firm as a legal
7 secretary.

8 Q. Did you ever work for a company called
9 Professional Translators?

10 A. Yes.

11 Q. How long did you work there?

12 A. For about a year.

13 Q. What were you doing for Professional Translators?

14 A. I was a monitor linguist.

15 Q. So, same kind of thing?

16 A. Yes.

17 Q. Did you go to college?

18 A. Yes.

19 Q. Where did you go?

20 A. Cal State University.

21 Q. Did you obtain a degree?

22 A. It was a certificate program. I was certified as
23 a legal interpreter and translator.

24 Q. In what year did you obtain that certification?

25 A. 1998.

1 Q. Since then, have you undergone continuing
2 certification requirements of any kind?

3 A. Yes.

4 Q. Tell us about those.

5 A. We are recertified every five years by the
6 Attorney General's office.

7 Q. Attorney General's office, of California?

8 A. Yes.

9 Q. What does that recertification process every five
10 years entail?

11 A. We take a class and we are certified to conduct
12 Title III wire tap investigations, monitor them.

13 Q. In your monitoring career, have you ever trained
14 other monitors yourself?

15 A. Yes.

16 Q. I want to break it down, the monitoring process
17 just a little more than we did a moment ago. I want --
18 let's tailor it how your current job, how you do it in
19 your current job.

20 So, there's a monitor waiting. What happens when
21 a call comes in?

22 A. We listen to the call. It's real time. Listen
23 to the call, write a synopsis of the call. The call
24 will give us all detailed information, whether the call
25 is incoming, outgoing, dial digits, and we get the audio

1 of the call, date, time. We get the audio of the call.
2 Then we translate the call from Spanish to English on
3 the line sheet.

4 Q. Before you get there, you, sitting there as the
5 monitor, do you have to make a decision about the call
6 at any time?

7 A. Yes. Based on the content of the call, we decide
8 or try to decipher whether it's drug related, it's
9 pertinent, it's coded, does it have any coded language.

10 Q. You're deciding if it's pertinent or
11 non-pertinent?

12 A. Correct.

13 Q. If it's non-pertinent, do you continue listening?

14 A. We minimize the call.

15 Q. Minimize the call; what does that mean?

16 A. We stop recording.

17 Q. You stop recording.

18 A. Then we spot check it and start recording again.

19 Q. What does spot checking mean?

20 A. We listen to it for another 30 seconds and then
21 determine whether it's still non-pertinent or whether it
22 goes back to being a pertinent call. Then we continue
23 to record.

24 Q. When you intercept a call that has pertinent
25 information, what do you do with that information?

1 A. We give it to the case agent, pass that
2 information along to the case agent.

3 Q. Right then or at a later time?

4 A. Right then.

5 Q. Then how does your quality control process work
6 now?

7 A. That's after a call has been synopsisized and I or
8 another lead monitor can go into the call and listen to
9 the call for quality control, review it for the content,
10 the voices, information.

11 Q. And you are a supervisor who conducts the quality
12 control review?

13 A. For the transcripts, yes.

14 Q. And in that, I want to make sure I'm
15 understanding you right. You go and you listen to the
16 call again and you confirm that the transcript that was
17 created and the interpretation are correct.

18 A. Correct.

19 Q. When did you become involved in this
20 investigation?

21 A. I don't remember the exact time that we started
22 that investigation. I believe it was November of 2013.

23 Q. Which names do you remember hearing in some of
24 the calls that you were involved with in this
25 investigation?

1 A. From November?

2 Q. November and forward.

3 A. Okay.

4 Q. This whole investigation.

5 A. There was Everardo; there was Guillermo;
6 Benjamin; Jorge; Junior; Tarula; Surdo; Mono; Daniel;
7 Surdo; Juan. That's what I remember from memory right
8 now.

9 Q. Did you ever hear the defendant's name?

10 A. George? Did I mention him; yes.

11 Q. You did not.

12 A. I'm sorry, yes; George.

13 Q. How long approximately was this particular wire
14 tap investigation?

15 A. I believe it was around four months.

16 Q. And were you -- at that time, you were a
17 supervising monitor?

18 A. Yes.

19 Q. And in terms of the process and the quality
20 control and everything you've already testified about,
21 did you follow those procedures with this investigation?

22 A. Yes.

23 Q. And let's break it down a bit. A moment ago, you
24 testified that when you receive information as a monitor
25 or as a supervisory monitor that you share that

1 information quickly with the agents.

2 A. Correct.

3 Q. Were you doing that back toward the beginning of
4 this investigation?

5 A. Yes.

6 Q. Did you do that throughout this investigation?

7 A. Yes.

8 Q. In the beginning of the investigation, who were
9 you sharing the information with?

10 A. Andrew Vestie.

11 Q. Who was Andrew Vestie?

12 A. He's the case agent on that particular
13 investigation.

14 Q. Where does Andrew Vestie work?

15 A. Los Angeles, California.

16 Q. Do you know who he works for?

17 A. He works for Fontana Police Department. He's
18 assigned as a task force officer for the Drug
19 Enforcement Administration.

20 Q. So, that's in November. Let's fast forward to the
21 end of January. Were you working as a monitor at the
22 end of January?

23 A. Yes.

24 Q. Did there come a point in time at the end of
25 January, last couple of days of January, where you were

1 passing information to a different agent?

2 A. Yes.

3 Q. At the end of January, to whom were you passing
4 wire tap information?

5 A. Gregg Mervis.

6 Q. Who is Gregg Mervis?

7 A. He's a DEA agent.

8 Q. Where?

9 A. Virginia, D.C.

10 Q. Why did you pass information to Gregg Mervis, in
11 Virginia? Why Virginia?

12 A. Per the instruction of Andrew Vestie, knowing
13 that there was a vehicle that was going to be travelling
14 to Virginia.

15 Q. How did you share the investigation with Gregg
16 Mervis?

17 A. By telephone.

18 Q. For the next few days, did you continue to pass
19 information obtained on the wire tap on which you were
20 working to Gregg Mervis?

21 A. Yes.

22 Q. Did you continue to pass information right up
23 through February 3?

24 A. Yes.

25 Q. One moment, Your Honor.

1 (Government Exhibits #1B and #1-#20 were marked
2 for identification).

3 In preparation for today's hearing, did you have
4 an opportunity to listen to some of the calls that were
5 monitored?

6 A. Yes.

7 Q. And did you review transcripts in connection with
8 those?

9 A. Yes.

10 Q. Your Honor, may I approach the witness?

11 I'm showing you what has been marked Government
12 Exhibit 1B. Do you recognize this disc?

13 A. Yes.

14 Q. How do you recognize it?

15 A. Those are my initials. I initialed it.

16 Q. Did you listen to items on this disc?

17 A. Yes.

18 Q. I'm also showing you what has been marked for
19 identification as Government 1 through 20. Without
20 saying what they are, would you just take a moment and
21 flip through those and just tell me if you recognize
22 what they are, if you've seen those documents before?

23 A. (Witness reviewing said documents). They're
24 transcripts of some of the recorded conversations in
25 this investigation that were prepared by the monitors

1 and reviewed by me.

2 Q. How do you recognize this?

3 A. I initialed them.

4 Q. You initialed every single one?

5 A. I initialed every single one of them and the face
6 on the cover sheet, there's my name, which indicates
7 that I did the reviewing, the quality control for these
8 transcripts.

9 Q. You reviewed all of these; correct?

10 A. Correct.

11 Q. And more recently, you reviewed them again while
12 listening to the audio on Government Exhibit 1B?

13 A. Correct.

14 Q. When you reviewed them, were the transcriptions
15 accurate?

16 A. Yes.

17 Q. Were the translations from Spanish to English
18 accurate?

19 A. Yes.

20 MR. HOFFMAN: Your Honor, we'd move to admit
21 1B and 1 through 20 into evidence for purposes of this
22 hearing.

23 THE COURT: 1B.

24 MR. HOFFMAN: 1B and 1 through 20.

25 MR. CARGILL: Yes, I do object, Your Honor.

1 Unless and until the United States can show these
2 transcripts were used by the officers who supposedly
3 concluded that there was probable cause to stop, I don't
4 think they're relevant.

5 MR. HOFFMAN: Your Honor, she's already
6 testified that she delivered the information from these
7 transcripts and from this to Gregg Mervis and other
8 agents. Gregg Mervis will testify in a moment, but I
9 believe she's already testified, provided the Court with
10 sufficient facts that she relayed this information to a
11 member of the investigation team. That's as relevant as
12 it comes.

13 MR. CARGILL: Your Honor, there's been no
14 evidence that these transcripts were even in existence,
15 had been typed up and prepared as of the date of this
16 stop on February 3. Perhaps my colleague could ask her
17 that question.

18 THE COURT: I think what she said was when
19 they got a phone call, in real time, that was relevant,
20 she would share that with the case agent.

21 I would assume, Ms. Lopez, that the
22 transcripts were prepared later on.

23 THE WITNESS: That's correct.

24 BY MR. HOFFMAN:

25 Q. How much later usually?

1 A. Sometimes one week; sometimes six months. It
2 depends on the investigation.

3 THE COURT: Do you know when these
4 transcripts were prepared?

5 THE WITNESS: The dates are -- no, I can't
6 say exactly when.

7 BY MR. HOFFMAN:

8 Q. The information that was in these though, correct
9 me if I'm wrong, you passed that information to Gregg
10 Mervis and to Andrew Vestie?

11 A. That information was passed on, real time.

12 Q. Immediately, when you received it.

13 A. Yes.

14 THE COURT: When you say real time, how was
15 it passed on?

16 THE WITNESS: We are intercepting the
17 conversation. We listen to the call and we pick up the
18 phone and we are pretty much translating what we're
19 listening to, to the case agent.

20 THE COURT: You're actually picking up the
21 call, got a call, you need to hear this, this is what
22 they're saying.

23 THE WITNESS: This is what they're saying.

24 THE COURT: This is what they're saying.

25 All right.

1 I am going to sustain the objection at this
2 time. I think there hasn't been a showing the agent has
3 actually reviewed these transcripts. I think the witness
4 can testify as to what, prior to the search, she told
5 the agents or the agents can testify as to what they
6 learned. But as to the transcripts themselves, there's
7 been no showing they were in existence and the agents
8 had knowledge of them prior to the stop in this case.

9 MR. HOFFMAN: Your Honor, maybe I should
10 clarify. These are being introduced as an aid for the
11 Court to follow along with, what is said on the calls,
12 which are in Spanish. We are not going to argue that
13 the agents reviewed these actual transcripts. These are
14 simply an aid which can be admitted into evidence simply
15 for the purpose of following along with ease of the
16 call.

17 THE COURT: You intend to play the calls
18 here?

19 MR. HOFFMAN: Oh, yes, yes, Your Honor.

20 THE COURT: They're in Spanish?

21 MR. HOFFMAN: Yes, Your Honor.

22 THE COURT: What good is that going to do
23 me?

24 MR. HOFFMAN: They've been interpreted.

25 THE COURT: They've been interpreted.

1 MR. HOFFMAN: Into English, as she just
2 testified, and the interpretation will be played on the
3 --

4 THE COURT: On the screen?

5 MR. HOFFMAN: Yes, Your Honor. That's the
6 only purpose.

7 I think you'll hear, obviously, Ms. Lopez
8 speaks fluent Spanish. Gregg Mervis will testify he's a
9 fluency level four, completely fluent Spanish speaker.
10 The people that were involved were Spanish speakers.
11 We're not going to testify that they relied on these
12 actual transcripts in developing their probable cause.
13 This is for the Court --

14 THE COURT: You understand that,
15 Mr. Cargill?

16 MR. CARGILL: Yes, and I still object, Your
17 Honor.

18 THE COURT: I'm going to --

19 MR. CARGILL: How do we know this is the
20 person who prepared the transcript? She's the one who
21 testified she reviewed it, but she never testified she
22 is the person who was speaking to Agent Mervis, as far
23 as I could tell.

24 MR. HOFFMAN: She did just testify a moment
25 ago that she herself spoke to Agent Mervis for a period

1 of approximately six days. She doesn't need to testify,
2 under the law, that she is the one who actually prepared
3 the transcripts. She only needs to testify -- she
4 testified she's a supervisory monitor. She executed the
5 quality control process. She listened to every single
6 call, confirmed the transcription was accurate and the
7 translation was accurate.

8 The way we've done it in trials before --

9 THE COURT: How do you know these particular
10 calls set forth on this disc and set forth in these
11 transcripts were actually given to the case agent?

12 THE WITNESS: I'm sorry. Can you repeat
13 that?

14 THE COURT: Yes.

15 How do you know this information was related
16 to the case agent?

17 THE WITNESS: I myself related some of the
18 calls. I can't say exactly which call until I see the
19 synopsis of the call. But if it wasn't myself, it was
20 someone working in the investigation when the calls were
21 coming in. That information gets relayed to the case
22 agent.

23 THE COURT: How do you know each of these
24 calls were relayed to the case agent?

25 THE WITNESS: That's our job. That's what

1 we do. Every time a call comes in which has anything to
2 do with any coded language, it's always passed along to
3 the case agent. That's part of our job.

4 THE COURT: So you can testify and you've
5 reviewed these transcripts and you've reviewed this disc
6 that every one of those calls was passed on by you or
7 somebody working for you, to the case agent.

8 THE WITNESS: Yes.

9 THE COURT: In this case, Mr. Mervis or Mr.
10 Laconti.

11 THE WITNESS: Or Mr. Vestie.

12 THE COURT: Mr. Vestie.

13 I'll allow them. I understand your
14 objection.

15 Please proceed.

16 (Government Exhibits #1B and #1-#20 were
17 admitted into evidence).

18 BY MR. HOFFMAN:

19 Q. Let me just clarify something.

20 Which agent between, let's say, January 29 and
21 February 3rd, which agent, at the end, were you
22 communicating the information to?

23 A. It would first go to Mervis and then it would go
24 to Vestie.

25 Q. But you were communicating it yourself to Gregg

1 Mervis.

2 A. Yes. If I was present in the wire room, yes, I
3 always communicated to Mervis first.

4 MR. HOFFMAN: Your Honor, I think at this
5 point, it makes the most sense to go ahead and play the
6 calls for the Court. They're all pretty brief. We'll
7 go from one to the next, with the Court's indulgence.

8 THE COURT: Yes, please.

9 (Audio played).

10 MR. HOFFMAN: That's all our questions for
11 this witness, Your Honor.

12 THE COURT: Mr. Cargill, any cross?

13 MR. CARGILL: Yes. Thank you, Your Honor.

14 CROSS-EXAMINATION

15 BY MR. CARGILL:

16 Q. Good afternoon, ma'am.

17 A. Good afternoon.

18 Q. So, I'm clear, we just heard a total of 19 calls;
19 is that right?

20 A. I'm sorry. I didn't count them.

21 Q. If there were 19 transcripts and numbered
22 exhibits -- or pardon me, 20 numbered exhibits with
23 transcripts attached to each, would that be consistent
24 with what we just heard?

25 A. Yes.

1 Q. And for those 20 conversations, you were not the
2 person who transcribed any of those; correct?

3 A. Correct.

4 Q. In each instance, it was either Ms. Armenta, Ms.
5 Elias; correct?

6 A. Correct.

7 Q. Or Ms. or Mr. Carranza; correct?

8 A. Mr.; yes.

9 Q. Carranza?

10 A. Carranza, yes.

11 Q. In each instance, you reviewed the transcripts
12 after they were prepared; correct?

13 A. Correct.

14 Q. And all these transcripts were prepared after
15 this February 3 stop of Mr. Covarrubaiz in Virginia;
16 correct?

17 A. Correct.

18 Q. Now, you mentioned also that there were synopsis
19 or synopses prepared of each one of these conversations;
20 correct?

21 A. Correct.

22 Q. When are these to be prepared?

23 A. Those are prepared right after the intercepted
24 conversation.

25 Q. Meaning?

1 A. Meaning once the audio comes in, the audio is
2 recorded and can be re-listened to. Then the synopsis
3 of the recorded conversation is prepared, in English.

4 Q. And that's prepared by the person who listens to
5 the conversation?

6 A. Not necessarily. If that person who listened to
7 the conversation has ten other conversations that that
8 person monitored, somebody else can come in and
9 synthesize the call.

10 Q. When were the synopses prepared for each one of
11 these calls?

12 A. They should have -- well, both are prepared right
13 after the telephone conversation is recorded.

14 Q. When?

15 A. On the day of the recorded conversation.

16 Q. Have you looked at the synopses for each one of
17 these conversations?

18 A. Yes.

19 Q. At the bottom left-hand corner of each one of
20 these synopses, is there not a date and a time stamp?

21 A. Yes.

22 Q. Would that indicate when the synopsis was
23 prepared?

24 A. No, that indicates when the conversation was
25 recorded.

1 (Defendant Exhibit #1 was marked for
2 identification).

3 Q. Ms. Lopez, can you see that on your monitor?

4 A. Yes.

5 Q. And is that a synopsis of a telephone
6 conversation on 1/29 of 2014, at 3:19 in the afternoon?

7 A. Yes.

8 Q. And in the bottom left-hand corner, do you see
9 the date?

10 A. Yes.

11 Q. What's the date and the time?

12 A. February 5, 2014, at 2:48 p.m.

13 Q. That would be when the synopsis was prepared?

14 A. No.

15 Q. Why not?

16 A. I don't know. Our synopsis never had this date
17 down here. I don't know what this date means. I don't
18 know if that's when it was printed. I'm not sure.

19 Q. Is there anything on this document then that
20 tells us when this was prepared?

21 A. No.

22 Q. Internally, do you indicate on the document when
23 it was prepared?

24 A. We do not.

25 Q. Why not?

1 A. It's never been the practice of us to put the
2 date or the time the synopsis was prepared because like
3 I said, they're usually prepared right after the
4 conversation is recorded and monitored.

5 Q. Nor do you put the date of the transcription on
6 the transcript?

7 A. On the transcript, no.

8 Q. Why not?

9 A. It's never been the practice.

10 THE COURT: What does that date and time
11 mean on this document?

12 THE WITNESS: I don't know. I'm thinking it
13 was the date it was printed. I'm not sure because I
14 believe it's different fonts.

15 THE COURT: Are you the supervisor who is
16 responsible for these synopses?

17 THE WITNESS: Yes.

18 THE COURT: And you can't tell me what date
19 means.

20 THE WITNESS: When we print out our
21 synopsis, we don't have the date and time stamped here
22 nor does it say Covarrubaiz wire taps.

23 THE COURT: That little thing in the middle
24 of the page where it says Covarrubaiz wire taps.

25 THE WITNESS: Correct. When we print out

1 our synopsis, it doesn't have this date or this
2 information.

3 THE COURT: But it's not your practice to
4 put a date or time when the synopsis is prepared.

5 THE WITNESS: Correct.

6 THE COURT: And it's not your practice to
7 put a date or time the transcript is prepared.

8 THE WITNESS: Correct.

9 BY MR. CARGILL:

10 Q. And for these 20 telephone calls which we just
11 heard and for which the transcripts were prepared, how
12 many of those calls involved Mr. Covarrubaiz?

13 A. I believe it was two or three telephone
14 conversations.

15 Q. 2 out of about 20; correct?

16 A. Yes, or maybe three of these.

17 Q. Who decided that these 20 calls were the ones
18 that would support the idea that there was cause to stop
19 his car, his truck? Who made that decision?

20 A. I don't know, sir. We transcribe all the calls
21 and that would be up to, I believe, the case agent.

22 Q. So can you say how many calls there were total
23 between Mr. Amador, who was the owner of this trucking
24 company, and Mr. Covarrubaiz during this time period?

25 A. There were more calls than just these.

1 Q. There were more.

2 A. Yes.

3 Q. But they weren't transcribed?

4 A. Yes, we transcribe all the pertinent calls.

5 Q. Who decides whether it's pertinent or not?

6 A. The case agent and us, depending on what we
7 listen to.

8 Q. Is the case agent listening real time to each one
9 of the calls?

10 A. No, the case agent doesn't listen to, but we give
11 him the information on the call.

12 Q. So you're making the call as to whether it's
13 relevant to a drug investigation. In the first
14 instance, you are.

15 A. If we believe there is drug related information,
16 coded information, then we pass along that information
17 to the case agent.

18 Q. But if you don't think it has anything to do with
19 drugs, you don't pass it along for the case agent?

20 A. We still do for any relevant information, whether
21 they're talking about vehicles, addresses, names, yes.
22 We pass along a lot of information.

23 Q. What if it's entirely inconsistent with the idea
24 drugs are involved?

25 A. If we don't believe there is anything in that

1 call, then we do not.

2 Q. What if it undercuts the idea that there's
3 probable cause? Do you pass that on?

4 A. Sometimes we do.

5 Q. Sometimes?

6 A. Yes.

7 Q. Sometimes you don't.

8 A. Most of the time, like I said, it depends on the
9 content.

10 Q. Now it's most of the time?

11 A. It depends on the content of the call, of the
12 conversation.

13 Q. Now, with these calls, how is it that the agent
14 gets this information, real time?

15 A. We call him when the call is being recorded.
16 When we're listening to the audio of the conversation,
17 we call the case agent. We let them know what the
18 parties are talking about.

19 Q. And that would be the person who's listening to
20 the conversation?

21 A. Correct.

22 Q. And who was listening to each one of these
23 conversations?

24 A. The monitors, us, the linguists.

25 Q. Who?

1 A. The linguists who are assigned to this
2 investigation.

3 Q. These are human beings; correct?

4 A. Correct; the people who are listening to the
5 conversation.

6 Q. They have names?

7 A. Yes. There's 12 people in any given
8 investigation. I can name all of them.

9 Q. Well, take Government Exhibit #1, the first call.
10 This happens to be one of the two between Mr.
11 Covarrubaiz and Mr. Amador. Who listened to that
12 conversation?

13 A. The transcriber is not necessarily the person who
14 monitored the call. I would have to go back and look at
15 the pen register information and/or the synopsis to see
16 who actually monitored that specific conversation.

17 Q. So you don't know as you sit here who monitored
18 that conversation or any of these conversations;
19 correct?

20 A. Not by memory, no.

21 Q. And you don't know, therefore, what these
22 monitors said to the agent, do you?

23 A. Not exactly in those words, no.

24 Q. Not exactly in those words?

25 A. Not their exact words, no, I wouldn't know.

1 Unless it was me, yes, I would know.

2 Q. Were you the monitor for any of these 20 calls?

3 A. I believe I was.

4 Q. Which one?

5 A. Like I said, I don't know from memory. I would
6 have to look at the pen register and see who exactly
7 monitored those calls.

8 Q. Well, you flew out here from California; right?

9 A. Correct.

10 Q. That's a long flight; correct?

11 A. Correct.

12 Q. You knew you were going to be coming to testify
13 today; correct?

14 A. Correct.

15 Q. Did you look all this information up?

16 A. I listened to the recorded conversations and I
17 went over the transcripts, yes.

18 Q. But did you find out who monitored each one of
19 these calls or find out which call you specifically
20 monitored?

21 A. I did not.

22 Q. So as you sit here, you cannot say what any of
23 the monitors of these conversations said to the agent
24 about what occurred during these conversations, can you?

25 A. Not by memory. I can't remember exactly what was

1 said to the case agent, but whatever information was
2 obtained or heard would have been passed along. That's
3 what we do. That's our job.

4 Q. I know it's your job, but you don't have any
5 firsthand personal knowledge as to what was communicated
6 to the agent, do you?

7 A. I can testify to what I communicated to the case
8 agent.

9 THE COURT: But you can't in this case
10 because you don't know which calls that you listened to;
11 right?

12 THE WITNESS: Not exactly, no.

13 THE COURT: I mean, I thought you told Mr.
14 Cargill you didn't know what calls you listened to.

15 THE WITNESS: Not exactly.

16 THE COURT: So you don't know what
17 information you passed on to the case agent.

18 THE WITNESS: Exactly. I would have to go
19 back and see what exact calls I was there for and the
20 information.

21 THE COURT: Sitting here today, in court,
22 you didn't do that, so you don't know what information
23 you passed to the case agent.

24 THE WITNESS: Not by memory.

25 BY MR. CARGILL:

1 Q. You don't know also anything about this trucking
2 company, how many trucks are owned by the owner of the
3 trucking company, do you?

4 A. One of the targets that we were investigating is
5 the owner of the trucking company. We knew that he had
6 several trucks that were -- he owned several trucks in
7 his company.

8 Q. And he had several drivers; correct?

9 A. Correct.

10 Q. Carrying different loads; correct?

11 A. Yes.

12 Q. And you mentioned code words for drugs. Is there
13 a glossary of code words for drugs that you have in your
14 office there?

15 A. Yes.

16 Q. What are the code words?

17 A. There's many code words. There's boys, girls,
18 T-shirts, pants. It depends on the investigation.

19 Q. Pallets?

20 A. Pallets.

21 Q. Pallets is a code word for drugs?

22 A. Not in every case, but in this particular case,
23 we believed that it was, yes.

24 Q. Why?

25 A. Because during that period of time, we believed

1 that the driver was driving a flat bed and when they
2 mentioned pallets, we gave that information to the case
3 agent. We told him they're saying they're going to
4 transport 30 pallets. They make that determination. We
5 pass along the information.

6 Q. But you in the first instance decide whether it's
7 a code word for drugs or not?

8 A. If we believe so, yes.

9 Q. Based on all these conversations, could you say
10 what type of drugs that you thought these people were
11 carrying?

12 A. No.

13 Q. You couldn't say that in truth, could you?

14 A. No.

15 MR. CARGILL: Thank you, ma'am.

16 Your Honor, I'd offer Defendant's 1.

17 THE COURT: Any objection?

18 MR. HOFFMAN: Absolutely, Your Honor. It
19 has not been authenticated. She, in fact, testified
20 it's not accurate. She testified she doesn't know where
21 the time stamp at the bottom came from. She testified
22 she has not reviewed that and doesn't know about the
23 accuracy of that information. The document has not been
24 authenticated.

25 MR. CARGILL: He gave it to me. This man

1 gave it to me, Your Honor.

2 MR. HOFFMAN: That doesn't mean it's
3 admissible evidence. You still have to follow the rules
4 of evidence. The document has not been authenticated by
5 this witness.

6 MR. CARGILL: She said it's a synopsis. She
7 just couldn't account for the date stamp on the bottom
8 left-hand corner.

9 THE COURT: Is that a synopsis of the type
10 that your office does in these investigations?

11 THE WITNESS: Yes.

12 THE COURT: And can you tell me whether or
13 not the synopsis that's here relates to this
14 investigation?

15 THE WITNESS: Yes, it's one of the calls
16 that was transcribed.

17 THE COURT: It's one of the calls that was
18 transcribed that was just played.

19 THE WITNESS: Correct.

20 THE COURT: It's admitted. Overrule the
21 objection; Defense Exhibit 1.

22 (Defendant Exhibit #1 was admitted into
23 evidence).

24 Any redirect?

25 MR. HOFFMAN: Yes, Your Honor.

1 REDIRECT EXAMINATION

2 BY MR. HOFFMAN:

3 Q. Let's clarify a couple of things, Ms. Lopez.

4 A moment ago, the defense attorney asked you if
5 there were two calls involving his client, George.
6 There were actually five; is that right? We can pull out
7 the transcripts and go through each one?

8 A. Yes.

9 THE COURT: Sitting here, do you know how
10 many of these involved Mr. Covarrubaiz?

11 THE WITNESS: I would have to look at them.

12 THE COURT: You don't know of your own
13 personal knowledge.

14 THE WITNESS: Not by memory.

15 We transcribe most of the print calls in an
16 investigation. Which ones are used, we don't control
17 that.

18 THE COURT: Did you pick out these 20?

19 THE WITNESS: No, I did not.

20 THE COURT: Somebody else did.

21 THE WITNESS: Right.

22 THE COURT: Do you know whether there were
23 200, whether there were 50? Do you know how many calls
24 there were in total involved in this particular
25 investigation?

1 THE WITNESS: This -- Mr. Covarrubaiz was
2 also -- I'm trying to think. I would say maybe 20
3 conversations between Mr. Covarrubaiz and Amador.

4 THE COURT: 20 involving Mr. Covarrubaiz and
5 Mr. Amador of which there's just been a few played here
6 today; correct?

7 THE WITNESS: Correct.

8 THE COURT: Do you know how many calls this
9 investigation involving Mr. Amador involved?

10 THE WITNESS: How many calls? There were
11 hundreds.

12 THE COURT: Hundreds of calls. And somebody
13 decided to play these 20 for me.

14 THE WITNESS: Correct.

15 THE COURT: Go ahead, Mr. Hoffman.

16 BY MR. HOFFMAN:

17 Q. The numbers you just recited to the Court, you
18 don't recall with precision, do you?

19 A. Correct.

20 Q. It's possible there were even thousands of calls
21 in the investigation?

22 A. Correct.

23 Q. It's possible there were 20 or less calls
24 involving Mr. Covarrubaiz himself; correct?

25 A. Correct.

1 Q. A moment ago, you testified that you don't
2 remember, sitting here, in detail, your conversation
3 with Gregg Mervis?

4 A. Correct.

5 Q. Between January 29 to February 3?

6 A. Correct.

7 Q. But you did talk to him January 29 to February 3?

8 A. Correct.

9 Q. And when you spoke to him, did you speak to him
10 about the matter of the recordings we just played?

11 A. Yes.

12 THE COURT: But you didn't talk to him about
13 each one of these calls.

14 THE WITNESS: Right.

15 THE COURT: You would have talked to him
16 about the calls you were monitoring.

17 THE WITNESS: I monitored or what's going on
18 with this particular investigation at the moment.

19 THE COURT: Do you remember what it was that
20 you told Mr. Mervis?

21 THE WITNESS: That we believed there was a
22 truck being -- that there was a vehicle going to
23 Virginia with 30 pallets, and to us, it sounded like it
24 was coded. So then, you know, Mr. Mervis, they decide
25 what to do next. We pass along the information as we

1 get it, whatever we believe is coded language or printed
2 information and we pass that information along.

3 BY MR. HOFFMAN:

4 Q. But the --

5 A. We, as a whole.

6 Q. As you said earlier, the agent is the one making
7 the final decision about interpreting coded language and
8 things like that; correct?

9 A. Yes.

10 Q. You may, based on your 20 years of experience
11 doing this, you may believe that something is code and
12 you'll pass that on; correct?

13 A. Correct.

14 Q. To Mr. Mervis.

15 A. Correct.

16 Q. As you understand it, he or the agent is the one
17 making the final decision?

18 A. Right.

19 Q. You're talking to these agents multiple times a
20 day; correct?

21 A. Every day that I'm there, yes.

22 Q. Weren't there also circumstances, correct me if
23 I'm wrong, but circumstances where the monitors of these
24 calls would give information to you which you would then
25 discuss with Mr. Mervis?

1 A. At times, yes, yes. If I'm not there, if it's
2 not during my shift, they themselves will call Mervis or
3 Vestie or whoever the investigating officer is.

4 Q. What about when you're there?

5 A. When I'm there, I do the phone calls. I talk to
6 the agent.

7 Q. Even if you didn't intercept the call yourself?

8 A. That information is passed along to me and I pass
9 it along to an agent.

10 Q. There are calls when you're on a shift that you
11 are not personally monitoring. You're sitting right
12 there with the monitor; correct?

13 A. Correct.

14 Q. The monitor gives that information to you.

15 A. Correct.

16 Q. And you would share that information with Gregg
17 Mervis between January 29 and February 3; correct?

18 A. Sometimes there are four monitors assigned to a
19 case. So there are four monitors intercepting calls.
20 So one call could go to one monitor and another call to
21 another monitor. It doesn't go to just one person. It
22 can go to four different people there. It's not me
23 who's always intercepting the call. It can be one of
24 the other three.

25 Q. But on January 29 to February 3, it's your

1 testimony information flowed from monitors to you and
2 you passed that information to Gregg Mervis on those
3 topics?

4 A. Yes. Like I said, I don't remember exactly on
5 which of those, but yes.

6 Q. And you also testified a moment ago about
7 deciding whether the call is pertinent or non-pertinent
8 and making that decision, whether it's relevant to the
9 case or not. At the beginning of a wire tap
10 investigation, isn't there some type of briefing you
11 receive from the agents?

12 A. Correct.

13 Q. What happens? Why don't you describe that for the
14 Court, at the beginning of a wire tap investigation?

15 A. We have a briefing and we're told basically what
16 to listen for, who's involved in this investigation,
17 whether there's a company involved, whether it's a store
18 involved. We get a briefing on what we need to listen
19 for.

20 Q. So do you then make your pertinent, non-pertinent
21 decisions based on that briefing?

22 A. Based on that and after listening to calls, we
23 can, you know, we kind of try to determine what is
24 pertinent and what is non-pertinent, what is legitimate
25 and what is not legit.

1 Q. As time goes on, on a wire tap investigation and
2 you're monitoring these calls day in and day out, does
3 your knowledge base, your familiarity with the
4 investigation grow?

5 A. Yes.

6 Q. Do you incorporate that information in your
7 decision about pertinent and non-pertinent?

8 A. Yes, and based on the players that we're
9 listening to.

10 MR. HOFFMAN: Thank you, Your Honor.

11 THE COURT: Call your next witness.

12 MR. HOFFMAN: Your Honor, I'd call Special
13 Agent Gregg Mervis.

14 GREGG MERVIS, CALLED AS A WITNESS BY THE GOVERNMENT,
15 SWORN

16 DIRECT EXAMINATION

17 BY MR. HOFFMAN:

18 Q. Good afternoon.

19 A. Good afternoon.

20 Q. Please introduce yourself to the Court.

21 A. Your Honor, my name is Gregg Mervis.

22 Q. And who do you work for?

23 A. Drug Enforcement Administration.

24 Q. What is your current assignment?

25 A. I'm a special agent at the Special Operations

1 Division in Chantilly, Virginia.

2 Q. What are your duties at the Special Operations
3 Division, SOD, in Chantilly, Virginia?

4 A. I'm currently assigned to a bilateral
5 investigation unit. We conduct drug investigations with
6 an international focus.

7 Q. What is your focus?

8 A. Latin America.

9 Q. How long have you been assigned to SOD?

10 A. Approximately six months.

11 Q. What was your assignment prior to SOD?

12 A. I was assigned to the Washington division office,
13 Annandale Task Force, group 12.

14 Q. You were a special agent then?

15 A. Correct.

16 Q. What were your duties there?

17 A. I was assigned to a task force working with the
18 local counterparts handling drug investigations in and
19 around the D.C. metropolitan area. Primarily domestic
20 drug cases.

21 Q. How long did you work on that assignment?

22 A. About five years.

23 Q. And were you with the DEA before that?

24 A. Yes.

25 Q. What were you doing?

1 A. I was an agent assigned to the Baltimore district
2 office, in Baltimore, Maryland.

3 Q. Same thing? Special agent, just in Baltimore?

4 A. Correct.

5 Q. How long were you a special agent assigned to the
6 Baltimore area?

7 A. One year.

8 Q. And before that assignment?

9 A. I was a special agent at the Carracus, Venezuela
10 country office at the embassy in Carracus.

11 Q. How long were you assigned at the embassy at
12 Carracus?

13 A. About three years.

14 Q. What were you doing there?

15 A. There, I was working drug cases with informants
16 and the Venezuelan counterparts, in Venezuela.

17 Q. Prior to your Venezuela assignment?

18 A. I was assigned to the Imperial County residence
19 office in Imperial, California.

20 Q. Were you a special agent then also?

21 A. Yes, I was.

22 Q. For how long?

23 A. About six years.

24 Q. And prior to that assignment, where were you?

25 A. Prior to that, I was in the DEA academy. That was

1 my first assignment with DEA, in California.

2 Q. Were you a contract linguist at some point?

3 A. Yes, I was.

4 Q. That was with what agency?

5 A. DEA.

6 Q. What does a contract linguist with the DEA do?

7 A. Translations, interpretations of phone
8 conversations, body wires. My focus was Spanish.

9 Q. How long were you a contract linguist with a
10 focus of Spanish?

11 A. One year.

12 Q. Have you continued to utilize your Spanish
13 throughout your career with the DEA?

14 A. Yes.

15 Q. And have you taken any type of assessment with
16 DEA in terms of your language skill?

17 A. Yes. Prior to my assignment in Carracus, I was a
18 -- administered a DEA Spanish language exam.

19 Q. What was your score on that?

20 A. It was a four out of five.

21 Q. Does four mean fluent Spanish?

22 A. Yes.

23 Q. Five is what, native; right?

24 A. Correct, native speaker.

25 Q. In your -- how long have you been with the DEA

1 total now?

2 A. About 15 years.

3 Q. In that time, throughout, how frequently have you
4 used Spanish?

5 A. Depending on the assignment, when I was in
6 Imperial County and Venezuela, it was daily. Annandale,
7 it was frequent, dealing with informants. We worked a
8 lot of wires, Spanish-speaking wires. I was case agent
9 on some.

10 Q. These are all drug cases.

11 A. Correct.

12 Q. Spanish.

13 A. Correct.

14 My current assignment is every day dealing with
15 informants who are Spanish speakers.

16 Q. Let's talk about some of your previous
17 investigations. Throughout your career, how many drug
18 investigations have you been personally involved in,
19 roughly?

20 A. I would say hundreds.

21 Q. How many of those involved wire taps?

22 A. I don't know if I can put a number on it.
23 Numerous, numerous wire taps.

24 Q. How many, portion wise, of the wire tap
25 investigations that you've been personally involved,

1 involved Spanish speakers?

2 A. As far as I can remember, all of them except one.

3 Q. Every single one, but one.

4 A. One in Baltimore, correct, was English.

5 Q. In these investigations, have you sat and
6 monitored yourself?

7 A. Yes.

8 Q. How many times do you think you've monitored that
9 yourself?

10 A. I would say, percentage wise, maybe a quarter of
11 them because we have linguists assigned to the cases a
12 lot of times.

13 Q. Of the ones that you sat and monitored, were they
14 Spanish?

15 A. Yes.

16 Q. Very quickly, just kind of walk us through the
17 mechanics of obtaining -- like when you went to obtain a
18 wire tap, just kind of the basic steps you have to walk
19 through yourself.

20 A. Correct. So, as an agent, I would prepare an
21 affidavit for probable cause laying out pretty much the
22 case, the probable cause, the necessity. I would submit
23 that affidavit to the prosecutor for him or her to
24 review and then myself and the prosecutor would go
25 before a judge to seek an order for an interception.

1 Q. How is a wire tap used during an investigation,
2 based on your experience?

3 A. The wire tap is used, I would say, as a way to
4 attack an organization rather than an individual. So we
5 look at a wire tap to go after not just the individual
6 using the phone, but to identify the whole structure of
7 the organization. If we have certain means that aren't
8 able to infiltrate the particular organization, such as
9 -- say we don't have an informant in the investigation
10 or the means aren't working, then we'll seek a wire tap
11 as a way to infiltrate the organization, to obtain
12 evidence.

13 You have somebody's voice and you're able to
14 corroborate it with a seizure, a surveillance and other
15 techniques, it's pretty good evidence.

16 Q. Do wire taps ever spawn you to, say, conduct
17 surveillance?

18 A. Oh, yes.

19 Q. Do you ever seize evidence as a result of what
20 you hear on the wire tap?

21 A. Yes.

22 Q. Make arrests?

23 A. Yes.

24 Q. In your experience in drug investigations, you've
25 heard drug code before?

1 A. Yes.

2 Q. What is drug code?

3 A. Drug code is frequently used to avoid detection
4 by law enforcement to not reveal the actual drug
5 terminology that the speakers are using.

6 Q. In your experience, you're listening to an
7 intercept call on a wire tap, are the participants in
8 the call talking about "bring me heroin;" "no, how about
9 some cocaine?" Are you hearing them using the actual
10 words of the drugs, like PCP?

11 A. No.

12 Q. What do they do instead?

13 A. They'll use certain words that both speakers know
14 to be terms for drugs, such as cars or in this instance,
15 pallets was used.

16 Q. Is it sometimes different from case to case?

17 A. Oh, yes, it is different.

18 Q. How do you get a feel for it, what the code
19 means?

20 A. For me, a lot of it's just experience. It's
21 being the case agent on numerous wires. It's sitting
22 there and reviewing the calls and listening to the
23 calls. Having been a linguist as well as case agent,
24 you just get a feel for these individuals. You're
25 listening to their calls and, you know, communications

1 on a daily basis, so it becomes evident what's
2 legitimate talk or non-pertinent talk and what's
3 pertinent drug talk.

4 Q. In your experience as a DEA special agent, have
5 you employed pen registers?

6 A. Yes.

7 Q. What is a pen register?

8 A. A pen register, once again, requires a Court
9 order and that's to get toll information live, as well
10 as the cell sites, as well as location information, real
11 time.

12 Q. Let's shift to this case. You were involved in
13 this case?

14 A. Yes.

15 Q. What was your role in this?

16 A. I was the case agent in Annandale, Virginia.

17 Q. Let's -- just sort of the background of the
18 investigation, what were you investigating as the case
19 agent here?

20 A. We were investigating a drug trafficking
21 organization based out of California that was using
22 tractor trailers primarily to move drug shipments and
23 bulk between California and various destinations, to the
24 east coast.

25 Q. You actually made seizures; correct?

1 A. Correct.

2 Q. And drug seizures?

3 A. Correct.

4 Q. And bulk cash seizures; correct?

5 A. Correct.

6 Q. Those were all coming from the wire taps.

7 A. No. Some of them came from other means, but
8 primarily wire tap.

9 Q. Did you, based on the wire tap, did you all
10 develop an idea of who the leader was?

11 A. Yes.

12 Q. Who was that?

13 A. It was Everardo Amador, Sr.

14 Q. Based on, you listened to some of the calls?

15 A. Yes.

16 Q. How would you characterize his leadership style?

17 A. I view him as almost a micro manager. He's very
18 detailed, very involved in the process of moving drugs
19 or money.

20 Q. Did you check subscriber information?

21 A. Yes.

22 Q. On him?

23 A. On the phones he was using, yes.

24 Q. To whom are they registered?

25 A. To Everardo Amador.

1 Q. He registered them in his own name?

2 A. He did.

3 Q. Did you check the defendant's subscriber info?

4 A. Yes.

5 Q. Who was his registered to?

6 A. George Covarrubaiz.

7 Q. In his own name.

8 A. Yes.

9 Q. The first seizure in this case was for what? What
10 did you all seize?

11 A. The first seizure involved in this case was
12 money.

13 Q. Where did that occur?

14 A. In California.

15 Q. You were in Virginia at the time though, correct?

16 A. Right.

17 Q. Approximately how much money?

18 A. Approximately \$400,000.

19 Q. Was there another seizure?

20 A. Yes.

21 Q. Prior to February 3?

22 A. Yes.

23 Q. And what was that seizure?

24 A. The seizure was approximately 1.8 million
25 dollars.

1 Q. And that occurred in California also?

2 A. Yes.

3 Q. And you were in Virginia at that time; correct?

4 A. Correct.

5 Q. What was your role -- back up. Are you familiar
6 with the facts, the stop of the defendant, in December
7 of 2013?

8 A. Yes.

9 Q. What was your role in connection with that stop?

10 A. My role, I was monitoring the pen register on the
11 defendant's cellular telephone at the time.

12 Q. So you were watching his location?

13 A. Correct.

14 Q. After that stop, did you learn the driver's
15 identity?

16 A. Yes.

17 Q. Let's fast forward to January 29, 2014. Were you
18 working this day?

19 A. Yes.

20 Q. What happened on that day in connection with this
21 investigation?

22 A. Los Angeles DEA was cutting a wire tap and they
23 began to intercept phone calls involving the defendant.

24 Q. How did you learn that?

25 A. I learned it from Blanca, the head linguist there

1 in Los Angeles.

2 Q. How did she contact you?

3 A. Via telephone.

4 Q. And what did you discuss with Blanca?

5 A. Essentially that there was conversations
6 intercepted that she believed were indicative of a
7 pending drug shipment from California, possibly to the
8 east coast.

9 Q. And did you in the days to come continue to talk
10 with Blanca?

11 A. Yes.

12 Q. Did you two discuss any code language or code
13 word that may have been intercepted on the wires in
14 California?

15 A. Yes.

16 Q. Do you recall what code words were being used
17 around that time?

18 A. One code used, I believe, was pallets. There was
19 a reference made to 30 pallets in a conversation between
20 the defendant and Amador, Sr. There was also a
21 conversation intercepted between Amador, Sr., and his
22 employee, Tarula, where there was reference made to a
23 blue car coming by essentially to pick up the
24 merchandise.

25 Q. Blue car. Was that significant to you?

1 A. Yes.

2 Q. Why?

3 A. Because we knew based on the prior stop in
4 December 2013, we knew the defendant to have a blue
5 tractor trailer.

6 Q. And a moment ago, you mentioned the words
7 pallets. You and Blanca Lopez discussed that?

8 A. Yes.

9 Q. Was that significant in any way to you?

10 A. Well, the number 30, which was discussed between
11 the defendant and Amador, Sr., was significant because
12 in further conversation between Amador, Sr., and other
13 individuals, the number 32, 34, around 30, was
14 consistent throughout that conversation. Also, when we
15 had stopped the defendant in December, there were no
16 pallets on the tractor trailer. He was transporting
17 containers at the time on his flat bed. There was
18 reference in these conversations in January of 2014
19 about containers being transported. We knew the
20 containers not to be transported on pallets so that sort
21 of raised our suspicion.

22 Q. The stop occurred on February 3; correct?

23 A. Correct.

24 Q. Of 2014. So let's talk about your actions and
25 your involvement and your knowledge from January 29 to

1 February 3.

2 During that time, were you working with anyone
3 else on this investigation in addition to Blanca Lopez?

4 A. Yes.

5 Q. Who else were you working with?

6 A. On the Virginia side, it was myself; Task Force
7 Officer Paul Loconti; Task Force Officer Dave Cutting;
8 and Special Agent Julie Whisenhunt.

9 Q. What was Paul Laconti doing?

10 A. Each one of us had a role in our side of the
11 investigation. Paul's role was to interface or contact
12 Verizon, which was the provider of the defendant's cell
13 phone, to get updated location information. We had
14 obtained a pen register on the defendant's cell phone
15 and his job, like I said, was to contact Verizon,
16 provide updates to the team as far as location.

17 Q. Let's move forward -- and you're working with
18 these people how frequently during this time period?

19 A. With Laconti and Cutting?

20 Q. Uh-huh.

21 A. Daily. We're a team, so we're working this.

22 Q. All of those days, 29 through the 3rd?

23 A. Absolutely, yeah.

24 Q. How frequently are you talking to Blanca Lopez
25 during this period?

1 A. I'm getting updates. I wouldn't say every call
2 she's calling me, but periodically, she'd call me with
3 updates, something she felt significant for us to know.
4 She'd pass on the lead or the information.

5 Q. Would you share that information with your team?

6 A. Yes.

7 Q. Was Paul Laconti sharing the pen register data
8 with you?

9 A. Yes.

10 Q. So you were receiving the wire tap information
11 from Blanca Lopez and you're receiving the pen register
12 data from Paul Laconti.

13 A. Correct.

14 Q. Let's fast forward to January 30, January 31.
15 What's going on in the investigation at that time?

16 A. At that time, LA's intercepting additional phone
17 calls between Amador, Sr., Tarula; Amador, Sr., and
18 Juan; the other individuals involved in the
19 organization, that are basically discussing this pending
20 shipment -- how it's supposed to be packaged, where it
21 should be concealed, how it should be labeled. Pretty
22 detailed information's coming across.

23 Q. Of your own recollection, what do you recall
24 about -- I think you just said something about where it
25 should be located.

1 A. Correct.

2 Q. Do you have recollection about that?

3 A. Yes. There was a call between Amador, Sr., and
4 Tarula where Amador, Sr., was essentially instructing
5 Tarula to place a quantity of narcotics in the area
6 where -- I believe the area where the current passes,
7 which we interpreted to be the battery box.

8 Q. Did he use the word narcotics?

9 A. No.

10 Q. How did you learn that for the first time? How
11 did you hear this information about the wire?

12 A. From Blanca.

13 Q. February 1, February 2, you were working on the
14 investigation those days?

15 A. Yes.

16 Q. What is happening with this investigation on
17 those two days?

18 A. I'm in contact with TFO Laconti, who is providing
19 location updates as the defendant is moving east from
20 California. As well, I'm getting updates from Blanca as
21 far as contacts between the defendant and Senior where
22 -- Amador, Sr., where the defendant is providing updates
23 regarding his location.

24 Q. Did you yourself come down to Harrisonburg some
25 time?

1 A. Yes; on the night of February 2.

2 Q. Did you come down by yourself or with others?

3 A. With others.

4 Q. Paul Laconti come with you?

5 A. Yes.

6 Q. And the others you mentioned a moment ago?

7 A. Yes. There was actually more than that. There
8 was, I think, about six of us.

9 Q. The team of six or so of y'all came down?

10 A. Correct.

11 Q. To Harrisonburg?

12 A. Yes.

13 Q. And what happens next?

14 A. On the morning of February 3, early morning --

15 Q. The day of the stop?

16 A. The day of the stop, call it like three or four
17 in the morning, we met with VSP, a team from VSP, at the
18 hotel there in Harrisonburg.

19 Q. When you say VSP, what do you mean?

20 A. Virginia State Police.

21 Q. Multiple people from Virginia State Police?

22 A. Yes.

23 Q. And what happened during the meeting with your
24 team and the Virginia State Police?

25 A. Like I said, TFO Cutting was the primary point of

1 contact between our team and Virginia State Police. He
2 gave a briefing to the state police regarding the
3 defendant heading east. He suspected him to be
4 transporting narcotics. TFO Laconti provided the latest
5 location update. We set up a plan for DEA, our team, to
6 set up more or less a dragnet, for lack of a better
7 word, on I-81. So we'd essentially set up surveillance.
8 We'd pick up the defendant's truck and hand that off to
9 the state police for them to conduct the traffic stop.

10 Q. During this meeting, did a member of your team or
11 your team make a specific request or give instruction to
12 the Virginia State Police troopers?

13 A. Yes.

14 Q. What was it?

15 A. The request was to conduct a wall off stop.

16 Q. What is a wall off stop?

17 A. A wall off stop is basically -- at the time, our
18 investigation was ongoing. We had other tractor
19 trailers in play, as far as the overall organization,
20 that we believed to be transporting bulk currency. We
21 didn't at the time want to reveal our entire
22 investigation to the defendant because we didn't want it
23 to be compromised as far as the other tractor trailers.
24 We also did not have Amador, Sr., in custody at the
25 time, so we didn't want to jeopardize those angles.

1 Q. Okay. So those are the reasons for conducting a
2 wall off stop. How do you actually go about conducting
3 a wall off stop?

4 A. We asked the state police if they could develop
5 their own probable cause to conduct the stop and pretty
6 much, that's where we left it.

7 Q. You were at this meeting; right?

8 A. Yes.

9 Q. And did you all share all of the details of your
10 four-month investigation with the troopers that were
11 there that day?

12 A. No.

13 Q. How much did you give them?

14 A. Pretty much just the basics; that this is the
15 truck we expect to be coming east, the defendant being
16 the driver. I believe we had information at the time
17 about possibly drugs being concealed in the battery box.
18 That's a possible stash location within the truck. Like
19 I said, the latest location update and then we set up
20 the plan and that was pretty much it.

21 Q. Okay. Were you involved --

22 THE COURT: When you say wall off, that
23 means to do a stop of this defendant, but not let him
24 know that other things were going on.

25 THE WITNESS: That's correct.

1 THE COURT: That's what the wall off part
2 is, right?

3 THE WITNESS: That's right.

4 THE COURT: Do you know when Amador was
5 arrested?

6 THE WITNESS: That was this summer, I
7 believe.

8 THE COURT: So it was the summer of '14.

9 THE WITNESS: Correct.

10 THE COURT: So it was substantially after
11 the stop involving Mr. Covarrubaiz.

12 THE WITNESS: Correct.

13 MR. HOFFMAN: Your Honor, with everyone's
14 consent, I can proffer the date of that.

15 THE COURT: I was just asking. I don't mean
16 to interrupt. Go ahead.

17 Did you tell the state police the name of
18 the defendant?

19 THE WITNESS: I don't know if we said the
20 name, but we suspected him to be the driver because we
21 stopped him in December of 2013 while monitoring the
22 same cell phone in his name. We intercepted calls in LA
23 where Amador, Sr., referred to the defendant as George.
24 So it was, you know, highly probable that it was going
25 to be the defendant driving.

1 BY MR. HOFFMAN:

2 Q. So it was the same cell phone number that you
3 were monitoring on the pen?

4 A. The pen back in 2013?

5 Q. Yes.

6 A. Yes, same number.

7 Q. From the first stop.

8 A. Correct.

9 Q. Okay. So please take a moment and describe for
10 the Court kind of what the catch plan was, so to speak,
11 for that morning.

12 A. Okay. So that morning, the DEA team set up along
13 -- staggered, I should say, along I-81, different exits.

14 Q. How far spread out were you?

15 A. We were probably spread out, call it, I don't
16 know, ten miles maybe, more or less.

17 Q. Where were you positioned?

18 A. One of those exits, one of the overpass or exits
19 along I-81.

20 Q. Were you going to be one of the first ones to
21 intercept?

22 A. No. We had a TFO in our group that was kind of
23 the go-to. He was very good at observing traffic.

24 Q. What was the plan? What was going to happen?

25 A. He was the furthest south. He would pick up the

1 defendant's vehicle travelling north on I-81, get in
2 behind it and we'll fall in behind it as the vehicle was
3 proceeding north on I-81.

4 Q. With lights on?

5 A. No, in regular vehicles, just surveillance. Then
6 at some point, TFO Cutting, who was talking to Virginia
7 State Police, would turn over surveillance. He would
8 call us off and give Virginia State Police the
9 surveillance and operation.

10 Q. DEA would establish surveillance of the
11 defendant's vehicle coming up 81 and once you were
12 comfortable that was the right one, you would pass off,
13 do the hand-off to the state troopers and they would do
14 the stop?

15 A. That's right.

16 Q. Did you participate in that plan as executed?

17 A. Yes.

18 Q. Did you personally observe the defendant's
19 vehicle?

20 A. Yes.

21 Q. Anything remarkable about the vehicle? Anything
22 important that you noticed that day that fit into the
23 investigation?

24 A. There was transporting containers on the back of
25 it. It was blue.

1 Q. So there were containers?

2 A. There were containers.

3 Q. Did you see any pallets?

4 A. No.

5 Q. Did you see 30 pallets?

6 A. No.

7 Q. Did you see any tacos?

8 A. No.

9 Q. No tacos. Did you see any rolls?

10 A. Rolls, no.

11 Q. No rolls. I think you said a moment ago, what
12 was the color of the tractor itself?

13 A. Blue.

14 Q. And that was the same color as the previous stop?

15 A. Yes.

16 THE COURT: Were you around, physically
17 around, back in December at the previous stop?

18 THE WITNESS: No.

19 THE COURT: Was DEA trailing the truck then?

20 THE WITNESS: Yes.

21 THE COURT: Just as it was trailing it --

22 THE WITNESS: Same set-up.

23 THE COURT: You surveil it for a while, you
24 find out where he is, you call the state police, you
25 turn it over to them and they make the stop.

1 THE WITNESS: Correct.

2 THE COURT: Back in December, the truck was
3 pulled over, a drug dog was there. Real quick, the drug
4 dog alerted. The truck was searched, but no drugs were
5 found.

6 THE WITNESS: Correct.

7 THE COURT: Were you present on the scene
8 back in December or was that just left to the state
9 police?

10 THE WITNESS: No, I wasn't present. I was
11 in Annandale.

12 THE COURT: Were there any DEA guys that
13 came on the scene or was it just the state police?

14 THE WITNESS: I'm pretty confident it was
15 just state police.

16 THE COURT: Was that part of this wall off
17 strategy? You didn't want to let him know the DEA was on
18 to him in a big way?

19 THE WITNESS: That's correct.

20 BY MR. HOFFMAN:

21 Q. So after you observed --

22 THE COURT: Let me ask you this.

23 Back before the December stop, what led you
24 all to set up this same sort of staggered spread on
25 I-81? Did you have phone call from the wire tap

1 information that there was going to be a shipment?

2 THE WITNESS: Yes -- well, what happened
3 there were conversations intercepted in LA where Amador,
4 Sr., was discussing a pending shipment. I believe, if
5 I'm not wrong, he dropped his phone, he terminated his
6 phone. So at the time of the stop, the first stop of the
7 defendant, nobody was listening. But based on the
8 timing of that conversation and the fact that the
9 defendant was heading east around the same time of this
10 pending shipment, we believed him to be transporting a
11 shipment of narcotics.

12 THE COURT: When you say Amador dropped his
13 phone, what do you mean by that?

14 THE WITNESS: He terminated use. He ceased
15 making calls.

16 THE COURT: He didn't just physically drop
17 it on the ground.

18 THE WITNESS: No, no, no, no. That's a term
19 we use. Discontinued use.

20 THE COURT: He discontinued use of his
21 phone.

22 THE WITNESS: Correct.

23 THE COURT: But back then in December, just
24 as later on in January, you thought the defendant was
25 bringing a drug shipment east from California, to the

1 east.

2 THE WITNESS: Correct.

3 THE COURT: So you had this staggered set-up
4 and the same plan to turn it over to the Virginia State
5 Police. They didn't find anything. He got a warning and
6 went on his way.

7 THE WITNESS: Correct.

8 THE COURT: You guys just continued the
9 investigation and went on.

10 BY MR. HOFFMAN:

11 Q. The drug alerted then previously; correct?

12 A. It did.

13 THE COURT: When I first saw the video, I
14 was wondering why that dog was on the scene in two
15 shakes. It was within a minute or two that dog was
16 there and it's because it was planned. I got it.

17 Go ahead, Mr. Hoffman.

18 BY MR. HOFFMAN:

19 Q. It sounds like, correct me if I'm wrong, this
20 time, you had live wire taps?

21 A. Yes, much more information.

22 Q. Involving the defendant himself?

23 A. Yes, much more information the second time.

24 Q. Let's pick up where you left off. So you've got
25 your eyes on the defendant's vehicle. You see that it's

1 a flat bed, there's no pallets, no tacos. It's blue.

2 What happens next?

3 A. So the DEA team surveils the truck as it proceeds
4 north on 81. Eventually, the operation is turned over
5 to the Virginia State Police and they conduct the
6 traffic stop and it's their ball from there.

7 MR. HOFFMAN: Thank you, Your Honor.

8 THE COURT: Mr. Cargill.

9 CROSS-EXAMINATION

10 BY MR. CARGILL:

11 Q. Good afternoon, sir.

12 When you say the operation was turned over to
13 Virginia State Police, what do you mean?

14 A. I mean, to conduct the traffic stop. That was
15 their part of the operation.

16 Q. Their operation was to develop their own probable
17 cause to support the stop; correct?

18 A. Correct.

19 Q. And then conduct the stop.

20 A. Correct.

21 Q. And then I take it if they found drugs, they
22 would call you in and you would then take over the
23 investigation.

24 A. If they found drugs, yes, they would eventually
25 call us in.

1 Q. But it was their -- it was their province to
2 develop the probable cause to stop and to stop the
3 vehicle; correct?

4 A. We asked them, yes, to use their probable cause
5 to stop the vehicle.

6 Q. So if they didn't have probable cause to stop the
7 vehicle, if they didn't develop their probable cause,
8 they were not empowered to stop the vehicle; correct?

9 A. I believe we said if they couldn't find probable
10 cause, we believed based on our information from Los
11 Angeles, there were drugs in that vehicle and they
12 should stop it.

13 Q. So you directed them to stop or not?

14 A. What do you mean, directed?

15 Q. Did you direct them to stop the vehicle or not?

16 A. We provided them the information to stop, sure.

17 Q. So you told them to stop the vehicle?

18 A. Yes, as part of --

19 Q. When?

20 A. In the briefing.

21 Q. In the briefing at the hotel in the morning?

22 A. Correct.

23 Q. So this part about develop your own probable
24 cause really was meaningless?

25 A. No. That was to set up the wall, as far as the

1 wall off stop. If they could develop their own probable
2 cause, that's the way we wanted the stop to take place.

3 Q. So where were you when this stop did occur?

4 A. Off the side of the road, off 81.

5 Q. You weren't on the scene of what you knew to be a
6 stop?

7 A. No.

8 Q. Were any other DEA agents there?

9 A. No.

10 Q. Did you memorialize in a report that you had
11 directed them to stop this vehicle?

12 A. I did not, no.

13 Q. Did anybody memorialize in any DEA 6, in any
14 report, that the Virginia State Police had been directed
15 to stop this vehicle?

16 A. Not that I'm aware of.

17 Q. No one?

18 A. Not that I'm aware of.

19 Q. Isn't that something you would ordinarily note in
20 a report, that you had directed a stop?

21 A. I don't know if we'd put that in, like directed a
22 stop. We'd put in there we coordinated the stop with
23 Virginia State Police.

24 Q. In each one of the reports I've seen, everyone
25 describes this as a traffic stop; correct?

1 A. I don't know. I haven't seen all the reports.

2 Q. Have you seen the reports of Mr. Laconti?

3 A. Not recently. Maybe back then.

4 Q. Are you the lead case agent?

5 A. Yes.

6 Q. Have you reviewed the reports?

7 A. Yes.

8 Q. Have you seen a single report where any agent
9 memorializes that this was a directed stop?

10 A. No, not that I'm aware of.

11 Q. So your probable cause to stop this vehicle, I
12 take it, was that you spoke with Ms. Lopez about these
13 recorded calls; correct?

14 A. That was part of it, yes.

15 Q. And she told you that there was mention of
16 pallets on the vehicle; correct?

17 A. There was a mention between Amador, Sr., and the
18 defendant about 30 pallets being involved, yes.

19 Q. 30 pallets. And to this point of the
20 investigation, there had been two seizures, one -- both
21 of them in California; correct?

22 A. Correct.

23 Q. And both of them involving money; correct?

24 A. Correct.

25 Q. One for \$400,000, one for 1.8 million dollars;

1 correct?

2 A. Correct.

3 Q. No seizures of drugs at that point; correct?

4 A. Not at this part of the investigation, no.

5 Q. So no seizures of drugs. Only seizures of money;
6 correct?

7 A. Well, there were seizures of drugs. This is kind
8 of -- how can I say this? There's one big case and
9 there's another side of this where we did seize drugs
10 back in early, like, the spring of 2013.

11 Q. But we're talking about this part of the case,
12 the case involving Mr. Amador and allegedly Mr.
13 Covarrubaiz.

14 A. I understand.

15 Q. In this part of the case, there were two seizures
16 and only of money; correct?

17 A. That's correct.

18 Q. To this point in the investigation, had you
19 seized any drugs where anybody involved in the
20 investigation had described those drugs as pallets?

21 A. No.

22 Q. So this conclusion that pallets referred to drugs
23 was a hunch, I take it, on your part?

24 A. Correct. That was -- yeah, based on my training,
25 yeah, and additional calls as well.

1 Q. And these additional calls, they involved other
2 people besides Mr. Covarrubaiz; correct?

3 A. That's correct.

4 Q. Most of them actually involved Mr. Tarula;
5 correct?

6 A. I don't know if it was most, but there were a
7 significant number of calls with Tarula, yes.

8 Q. How many trucks were owned, operated by this
9 trucking company?

10 A. They had several trucks.

11 Q. Several trucks; five, six, trucks?

12 A. I would think, yes.

13 Q. How many of them were blue?

14 A. Oh, I don't know.

15 Q. You think there was only one blue truck?

16 A. I don't know.

17 Q. So if you had gone to a judge on February 2 of
18 2014 with your probable cause to search this truck, what
19 would you have said to the judge?

20 A. I would have provided all the phone calls between
21 the defendant and Mr. Amador, Sr. --

22 Q. And you would have said -- what did those calls
23 indicate to you? What would you have said to the judge
24 about those calls?

25 A. Which calls?

1 Q. The ones you would have mentioned to the judge in
2 trying to get probable cause to search this truck. What
3 would you have said?

4 A. About the calls between Amador, Sr., and
5 Covarrubaiz?

6 Q. The ones that would have supported your request
7 for a warrant.

8 A. I would have said there's calls regarding 30
9 pallets. There's further calls between Amador, Sr., and
10 the other individuals referring to the packages, black
11 and white; where certain packages should be stored
12 within the truck; the blue car coming, you know.

13 Q. So you would have mentioned all that. When the
14 judge says how many trucks are involved in the
15 operation, what would you have said?

16 A. I would have said there's numerous trucks.

17 Q. When the judge says how many of them were blue,
18 what would you had said?

19 A. I don't know.

20 Q. When the judge said are you sure about this
21 conversation about placement of these items in the
22 battery box involved Mr. Covarrubaiz's truck, what would
23 you have said?

24 A. I would have said I believe it does.

25 Q. On what basis?

1 A. Based on the fact the defendant and Amador, Sr.,
2 talked about this pending shipment about the defendant
3 picking up approximately 30 pallets. The number 30 or
4 approximately 30 was consistently thrown out in multiple
5 conversations. The blue car, the fact --

6 Q. Pardon me, but in Spanish, there are two
7 different words for car and truck, aren't there?

8 A. Yeah, there's two different words.

9 Q. What is the word for car?

10 A. Carro.

11 Q. And for truck?

12 A. Troca.

13 Q. Or camion?

14 A. Camion; could be.

15 Q. The word for car and truck are not confused in
16 Spanish. They're distinctly different words; correct?

17 A. They are.

18 Q. Would you also have told the judge you stopped
19 this same vehicle in or near Harrisonburg in December of
20 2014 and found no drugs?

21 A. Yes.

22 Q. You would have said that; correct?

23 A. Yes.

24 Q. You would have said, back then, you suspect there
25 would be drugs in the truck; correct?

1 A. The first time?

2 Q. Back in 2013.

3 A. We suspected there were drugs.

4 Q. You would have said we suspected there were drugs
5 there then and we were wrong, but now we suspect there
6 are drugs again?

7 A. Correct.

8 Q. Based on this information, you thought there was
9 a load of drugs originating in California and heading
10 where?

11 A. To the east coast.

12 Q. Where on the east coast?

13 A. We knew that that organization had a customer
14 base in New Jersey, for instance; Boston; Philadelphia;
15 New Jersey.

16 Q. You had already stopped this same truck in the
17 Harrisonburg area in December and found nothing;
18 correct?

19 A. That's correct.

20 Q. In your own mind, wouldn't that seem to indicate
21 to you perhaps you ought to stop him before Harrisonburg
22 and the likelihood that you would find something would
23 be greater?

24 A. I don't know why. The customer base, as far as
25 our knowledge, was all north of Harrisonburg.

1 Q. You found nothing when you searched him in
2 December of 2013 in Harrisonburg, though; right?

3 A. That's right.

4 Q. You thought the drugs were in the truck when he
5 left California; correct?

6 A. Correct.

7 Q. Did you stop him in California?

8 A. No.

9 Q. Did you stop him in Arizona?

10 A. No.

11 Q. Texas?

12 A. No.

13 Q. Arkansas? You were tracking him all the way
14 across the country; correct?

15 A. Yes.

16 Q. Did you stop him when he got into Virginia,
17 southwest Virginia?

18 A. No.

19 Q. Did you know whether he had off-loaded anything
20 from that truck in between California and when he was
21 stopped in Harrisonburg, Virginia?

22 A. No.

23 Q. You had no idea what he had done with anything on
24 that truck between California and when he was stopped in
25 Harrisonburg; right?

1 A. There were calls, like I said, between the
2 defendant and Amador, Sr., as he's moving east. There
3 was no conversation regarding him having dropped
4 anything along the way.

5 Q. But he was stating where he was though; correct?

6 A. Periodically, yes, he'd provide updates.

7 Q. As he went across the country?

8 THE COURT: Said he had a shower in Arizona
9 or Arkansas.

10 THE WITNESS: Yeah, exactly.

11 BY MR. CARGILL:

12 Q. So you didn't listen to any of these
13 conversations yourself, I take it?

14 A. I did, a handful of them.

15 Q. A handful; when?

16 A. More or less January 31, January 30, maybe even
17 into the weekend, February 1, February 2.

18 Q. Did you participate in the request to get the pen
19 register on Mr. Covarrubaiz's phone?

20 A. Yes.

21 Q. You did. Did you provide the information that
22 went on the application to get that pen register?

23 A. Yes.

24 Q. Now, I take it the most that could be said about
25 what you believe Mr. Covarrubaiz was tractor-trailer

1 in his truck was some quantity of narcotics; correct?

2 A. You said the most I could say?

3 Q. Yes, about what he was carrying.

4 A. We believed, correct, to be a shipment of
5 narcotics.

6 Q. But you couldn't say whether it was cocaine or
7 heroin or type of narcotics. You thought it was
8 narcotics; right?

9 A. I think we suspected it to be cocaine and heroin
10 because there was a reference, I believe, to white and
11 black.

12 Q. Could you state under oath that you believed
13 based on those conversations that he was transporting
14 cocaine and heroin?

15 A. Believed it? Sure.

16 Q. Under oath, you'd say that?

17 A. Referencing white and black, yeah. To me, when
18 you're differentiating that, that could mean, yeah.

19 Q. Did the varying numbers of pallets or other items
20 that were listed mentioned in these telephone calls,
21 anywhere from 30 to 34 to 32, to 15 and 17 and 22 and
22 11, the various numbers that we heard in these telephone
23 conversations, did that perhaps lead you to believe
24 there might have been other shipments involved with
25 other truck drivers?

1 A. No.

2 Q. You didn't.

3 A. I believe it was all in reference to this
4 particular shipment.

5 Q. Even if there were different numbers involved?

6 A. When you're referencing the 15 and 17 and the
7 smaller numbers, possibly there was two customers
8 involved. So a portion of the narcotic shipment was
9 going to Customer A and a portion was going to Customer
10 B and they want to differentiate there between the two.

11 Q. Who made the call as to which of these phone
12 calls were relevant to this trip?

13 A. What do you mean, relevant?

14 Q. Who made the call --

15 A. I would get periodic updates from Blanca.

16 Q. So she made the call to which of these calls
17 related to this trip? She did?

18 A. She would call me, yeah.

19 Q. Is she a DEA agent?

20 A. No.

21 MR. CARGILL: Thank you, sir.

22 THE WITNESS: Thank you.

23 THE COURT: Any redirect, Mr. Hoffman?

24 MR. HOFFMAN: Yes, Your Honor.

25 REDIRECT EXAMINATION

1 BY MR. HOFFMAN:

2 Q. Agent Mervis, a moment ago, you testified about
3 cash seizures that were made?

4 A. Yes.

5 Q. Based on your investigation at the time, what did
6 you believe the cash was from?

7 A. Narcotics proceeds.

8 Q. Why?

9 A. Based on the way it was packaged.

10 Q. What do you mean, the way the cash was packaged?

11 A. Correct.

12 Q. How?

13 A. So, the cash would be packaged, taped, bound. I
14 don't remember these particular two seizures, but a lot
15 of times, it will have the denomination on there or a
16 label on the package of currency so the individual who's
17 receiving it knows the denomination or to who that
18 particular package of money is to go to.

19 Q. So it was the packaging? The packaging was one of
20 the things that led you all to believe it was drug
21 related?

22 A. Drug related and quite frankly, the amount.
23 1.8 million dollars, that's a lot of money. Looking at
24 it like trying to think legitimately, what could
25 1.8 million in cash be derived from? I don't know too

1 many businesses that involve 1.8 million dollars in cash
2 being transported in bulk in a tractor trailer.

3 Q. And those seizures came out of this
4 investigation?

5 A. Yes.

6 Q. Do you recall the location of the seizures --
7 excuse me, where the money in the vehicle was, where it
8 was discovered?

9 A. I don't.

10 THE COURT: Was Mr. Covarrubaiz involved in
11 either of those seizures?

12 THE WITNESS: No.

13 BY MR. HOFFMAN:

14 Q. But the drug trafficking organization was.

15 A. Yes, Amador, Sr., was directly involved in both.

16 Q. Is that the same Amador, Sr., that was talking to
17 this man?

18 A. Yes.

19 Q. A moment ago, defense counsel walked you through
20 some of the things that you might identify for a judge
21 as part of your probable cause; right?

22 A. Yes.

23 Q. I think earlier you testified that you actually
24 had subscriber information on the phone that the
25 defendant had that day; correct?

1 A. Yes.

2 Q. You also had a pen register order and active on
3 that phone; correct?

4 A. Yes.

5 Q. Would you have included that in your probable
6 cause statement?

7 A. Yes.

8 Q. Would you have included the previous stop in your
9 probable cause statement?

10 A. Yes.

11 Q. What about any of the observations that you made
12 on the road before the case was -- the stop was
13 officially and kind of finally passed off to Virginia
14 State Police?

15 A. Yes.

16 Q. A moment ago, you testified under oath, white and
17 black could mean cocaine and heroin. Can you explain
18 your basis for that?

19 A. Yes. Cocaine in its powder form is white in
20 color and heroin, a lot of times, is a darker color,
21 substance. So a lot of times, it's referred to as
22 black.

23 Q. Are you aware of the legitimate purpose of the
24 business you were investigating, Jack Rabbit Express,
25 what their legitimate loads were?

1 A. I believe they legitimately were hauling
2 machinery parts, like, for instance, crane parts. In
3 reference to the defendant, it was these metal
4 containers, almost like dumpsters or containers.

5 Q. Ever had a discussion about pallets and their
6 legitimate use?

7 A. Not that I'm aware of.

8 MR. HOFFMAN: Thank you, Your Honor.

9 THE COURT: Mr. Cargill, anything further
10 for this witness?

11 MR. CARGILL: No. Thank you.

12 THE COURT: You may stand down. Thank you.

13 (Conclusion of testimony).
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INDEXWITNESS FOR GOVT. Direct Cross Redirect

Blanca Lopez 2 21 35

Gregg Mervis 41 68 80

EXHIBIT NO. Marked Admitted

Govt. #1-20 13 20

Govt. #1B 13 20

Deft. #1 24 34

"I certify that the foregoing is a correct transcript
from the record of proceedings in the above-entitled
matter.

/s/ Sonia FerrisOctober 31, 2014"